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[for optimism, perhaps break during which both sides can reflect on arguments presented] may be a good thing. In meantime it will be, or course, incumbent on both sides to avoid any unilateral acts which would only further exacerbate situation.

4. If Geneva situation is still unclear when you see Gromyko, you should instead say that US Government is hopeful that Soviet Foreign Minister will be in Geneva for opening of disarmament talks and that, under such circumstances, Secretary would look forward to opportunity to discuss with him other subjects of mutual concern such as Berlin. You might then pick up line in balance of preceding paragraph. In event that Gromyko says he is not going to Geneva and will not therefore be seeing Secretary, you should say that your government will no doubt wish to give consideration to other ways of resuming contact and that you suppose Soviets will be doing same.

5. In view of recent air corridor harassments, you should begin by observing that Soviet attempts to alter established procedures in Berlin air corridors threatened to create a highly dangerous situation. You might refer in this connection to protests submitted by three powers to Soviet Foreign Ministry on February 13, making particular reference to passage stating that attempt to force changes in established procedures is incompatible with Soviet Foreign Minister's apparent agreement in talks with President Kennedy and Secretary Rusk that both sides should refrain from QUOTE actions which might aggravate international tensions UNQUOTE and with explicit commitment to this effect in joint statement of September 20, 1961 on principles for disarmament negotiations. To degree necessary you may draw on factual contents of note plus subsequent reporting telegrams from Berlin and LIVE OAK, but it would not be purpose of present meeting to engage in prolonged debate on situation in air corridors. Discussion this Subject might be terminated by comment that highly volatile situation in air corridors underlines essential importance of Western emphasis on a cease problem as requiring primary attention. This approach, in fact, is one which both sides

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might most quickly find themselves in escalating situation involving grave risks.

6. Apart from foregoing and necessary refutation in memorandum of certain points made by Gromyko during your last session, meeting should be directed primarily towards emphasizing desirability that progress be made in direction suggested by President to Adzhubel, i.e., that since final solution of Berlin problem seemed impossible, both sides should seek to find accommodation which would prevent tensions from mounting.

7. With reference to Gromyko's claim that US Government apparently does not have any intention of discussing seriously matters under question, you should observe that we are indeed very serious about these matters. QUOTE Discussing seriously UNQUOTE in Soviet definition apparently means accepting their formulation of the problem and their proposal for a solution. For various reasons, including those stated in memorandum handed Soviet Foreign Minister during your third meeting, US proceeds from assumption that discussions between Great Powers must start with admission by both sides that neither one can expect other simply to accept either its formulation of problem or proposed solution. Serious discussion means finding some ground which is consistent with professed intentions and basic interests of both sides, and, if that is not possible, at least finding some *modus vivendi* which will avert grave risks of war inherent in dispute.

8. Exchanges so far between Soviet Foreign Minister and American Ambassador have created impression that no basis for systematic negotiation/exists. We find it difficult to believe that Soviet Government is so unaware of US position, or so unwilling to take it into account, that it can expect us to accept claims and proposals which American leaders have repeatedly stated are clearly unacceptable.

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Point has now apparently been reached where Soviets seem unwilling to follow up earlier indications that some procedural formula might be found within which possibility of an arrangement on Berlin could be further explored, and that this formula envisaged that basic arrangement must be between Soviet Union and Western Powers and not between latter and QUOTE GDR UNQUOTE. Does this mean that Soviets have given up idea of finding an accommodation on Berlin? We trust this is not the case, and therefore once again suggest that most practicable way to begin would be to try to find some solution to access question. Soviet Foreign Minister has criticized US concentration on access. We have stressed this problem precisely because it seems to us that possibility of conflict between USSR and US is likely to arise over misunderstanding regarding access. Soviets have said they do not like idea of International Access Authority which we believe most useful approach to problem and practicable way of avoiding confrontation over it. We would, of course, be glad to discuss any variations in Access Authority proposal which Soviets have in mind. Incidents of kind we have had recently in air corridors would be avoided under International Access Authority proposal. We would appreciate having specific ideas from Soviets as to how they think confrontation over access might be avoided which go beyond generalities about QUOTE respect for GDR sovereignty UNQUOTE.

9. You might take up Gromyko's words as quoted in your 2100 regarding Soviet intention never to sign any document which would back occupation rights or favor retention of occupation regime in West Berlin, noting that this is not what we are proposing Soviets should do. As pointed out in our earlier memorandum, our rights in Berlin do not derive from Soviets and we are not asking that they sign their name

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to a document containing a term which seems to have acquired unpleasant associations for them. What we are asking is that they accept fact of Western presence in Berlin and draw appropriate conclusions from that fact without engaging in debate over differing legal views. They, on their side, are asking us to proceed on basis of what they call "facts" of the situation where these facts are to their liking.

10. In this connection, you might observe, we have come to reluctant conclusion that Soviets have not addressed themselves directly to a number of important points made by American Ambassador or in US memorandum handed him at meeting here last. We hope that Soviet Foreign Minister will carefully re-examine this document.

11. You might conclude opening remarks by mentioning Gromyko memorandum which, you may point out, is intended to deal with a number of points made by Soviets in documents they have given us.

12. In unlikely event that Gromyko undertakes any new element of flexibility in Soviet position, you should endeavor to draw him out to extent possible, and at appropriate point, indicate that you will report his statements back to your Government where it will be promptly considered.

13. During course of discussion you may, as appropriate, draw on memorandum or previous instructions in commenting on Gromyko's arguments which, we assume, will follow their stereotyped course. END VERBATIM TEXT

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